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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,731	07/24/2001	Mahmoud Abdel-Rahman	10010911-1	1791

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01/29/2003

AGILENT TECHNOLOGIES, INC.
Intellectual Property Administration
Legal Department, DL429
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

ODA, CHRISTINE K

ART UNIT	PAPER NUMBER
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2858

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DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/910,731

Applicant(s)
Abdel-Rahman & Rhodes

Examiner
Christine K. Oda

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2858



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 6, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-18, and 20-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-18, and 20 is/are allowed.
- 6) ☒ Claim(s) 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Nov 6, 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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Part III. DETAILED ACTION

EXAMINER'S RESPONSE

Status of Application.

1. In response to the applicant's amendment received: November 6, 2002. The
5 examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that claims are unpatentable for the reasons set forth in this office action:

DRAWINGS

2. The proposed drawing correction filed on November 6, 2002 is approved by the
10 Examiner.

CLAIM REJECTIONS - 35 U.S.C. §103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- 15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21 and 22 are rejected under 35 U.S.C §103(a) as being unpatentable over
20 Primmer (3,781,838) in view of Van Dyne (6,029,627).

- A. With respect to Claims 21 and 22, Primmer teaches the claimed first
electrode and second electrode (Fig. 4, #12' & 13') for electrical connection to an
ionization detector system (Col. 1, lines 28-29), and a transformer (Fig. 4, #45)
electrically connected to the first electrode and to the second electrode for
25 creating a spark between the first electrode and the second electrode, referred to

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as spark gaps (Col. 6, lines 13-14). Primmer teaches monitoring voltage of the transformer (Col. 4, lines 41-49), and lacks current monitoring. Van Dyne teaches that it is well known to monitor current during combustion. One of ordinary skill in the art would have readily recognized the advantage and desirability to monitor current in the detector of Primmer in order to reduce time delays, errors, control difficulties, and cost of implementation (Col. 2, lines 57-64).

4. Claims 21 and 22 are rejected under 35 U.S.C §103(a) as being unpatentable over Nudelmont (4,629,992) in view of Van Dyne (6,029,627).

A. With respect to Claims 21 and 22, Nudelmont teaches the claimed first electrode and second electrode (Fig. 1, #E1 & E2) for electrical connection to an ionization detector system (Col. 1, lines 8-10), and the claimed transformer (#7 & #8) electrically connected to the first electrode and to the second electrode for creating a spark, referred to as an arc (Col. 2, lines 50-52; Col. 3, lines 1-5) between the first electrode and the second electrode. Nudelmont teaches monitoring voltage (Fig. 2), and lacks current monitoring. Van Dyne teaches that it is well known to monitor current during combustion. One of ordinary skill in the art would have readily recognized the advantage and desirability to monitor current in the detector of Primmer in order to reduce time delays, errors, control difficulties, and cost of implementation (Col. 2, lines 57-64).

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REMARKS

Response to Arguments.

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

5 6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. §1.136(a).

10 **A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED**
15 **STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. §1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY**
20 **PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.**

7. Claims 1-5, 7-18, and 20 are allowed.

CONTACT INFORMATION

25 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine K. Oda whose telephone number is (703) 305-3857. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le, can be reached on (703) 308-0750.

30 Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956. The Technology Center 2800 Customer Service Center can be reached at (703) 306-3329.

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The 2800 Technology Center facsimile number for FILING Technology Center 2800 PAPERS ONLY is available at (703) 308-7722, (703) 308-7724 or (703) 872-9318. An after final facsimile number for FILING Technology Center 2800 AFTER FINAL PAPERS ONLY is available at (703) 872-9317.

5 CKO: cko
January 25, 2003

Christine K. Oda
Christine K. Oda
Primary Examiner
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